

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 776 of 2017**

Vikash Jaltare S/o Shri Vijay Jaltare, Aged About 21 Years R/o Keju Rice Mill Chowk, Nayapara, Durg, Tahsil And District Durg, Chhattisgarh Presently R/o Village Urla, Ward No. 58, Tahsil And District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Sector - 6, Bhilai Nagar, District Durg (Chhattisgarh).

---- Respondent

For applicant – Shri T.K. Jha, Advocate.

For Respondent/State – Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****14/12/2017**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.386/2017 registered at Police Station Sector-6, Bhilai Nagar, District Durg (C.G.) for offence punishable under Section 376 of IPC.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix that she was subjected to forceful sexual intercourse by the applicant on the pretext of marriage.
3. Learned counsel for the applicant submits that the applicant and the prosecutrix were in love relation and they have eloped, thereafter had performed marriage which would be evident from the documents filed and statement. He further submits that thereafter they started living separately, therefore no criminal antecedent can be attached to the applicant as it was on some trivial dispute in between husband and wife report has been made by the girl. He submits that therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the prosecutrix aged about 18 years and statement attached with the petition and the two photographs. Considering the same, it appears that marriage is performed. Prosecutrix in certain statement has admitted that marriage has been performed. Taking into such fact, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial court. The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)

JUDGE

